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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,395	12/21/2001	Mathew Sommers	GLO 2 0081	2949
27885	7590	05/05/2004	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114				ZEADE, BERTRAND
ART UNIT		PAPER NUMBER		
				2875

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/683,395	SOMMERS ET AL.
	Examiner Bertrand Zeade	Art Unit 2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 July 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3-6,8,10,11,17 and 19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 9 is/are allowed.  
 6) Claim(s) \_\_\_\_\_ is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1,3-6,8,10-11,17,19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,3-6,8,10,11,17,19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, II (U.S.5580163) in view of P.M. Larraburu (U.S.3302016).

Johnson ('163) discloses a focusing light source with flexible mount for multiple light emitting elements having:

Regarding claim 1 as shown in (figs. 2-4), an LED module including a plurality of LEDs (34-4Q) arranged in a first pattern on a substrate, a zoom apparatus or focus adjustment (24,26,42) that selectively adjusts the relative axial separation of the optical system and the LED module (34), the zoom apparatus (24/26) including: an inner sleeve on which the LED module (34) is disposed, and an outer sleeve or outside housing (18) on which the zoom apparatus (24,26,42) is disposed the inner and outer sleeves being slidably

interconnected with the inner sleeve disposed inside the outer sleeve, the outer sleeve (18) defining fixed outside dimensions of the zoom apparatus (24,26,42). an optical system including a plurality of optical in communication with the module (col.1, lines 21-40).

Regarding claim 5 as shown in (figs. 2-4), an LED module (34-34Q) including at least one LED (34) arranged on a substrate an optical system, and a zoom apparatus that selectively adjusts the relative axial separation of the optical system and the LED module (34) the zoom apparatus (24,26,42) including a first sleeve (10) having the LED module arranged thereon, the first sleeve further having a first threading arranged thereon, and a second sleeve (18) having a second threading arranged thereon that is adapted to cooperate with the first threading such that the first sleeve (10) and the second sleeve (18) are relatively movable in a screwing fashion, the second sleeve (18) further having the optical system arranged thereon.

Regarding claim 6, an index system that relatively biases the first sleeve (10) and the second sleeve (18) into one or more selectable relative axial positions.

Regarding claim 8, the zoom apparatus (24,26,42) further comprises: a mechanical interlock between inner and outer sleeves (10,18) that prevents relative rotation therebetween.

Regarding claim 10, a stop that relatively biases the inner and outer sleeves (10,18) into one or more selectable relative axial stop positions.

Regarding claim 11, the LED module (34) further comprises a heat sink well known to those skilled in the art of LEDs heat dissipation thermally connected with the substrate for cooling the LED module.

Regarding claim 17, a plurality of light sources (34), and a zoom apparatus (24,26,42) that selectively adjusts a relative axial separation of the optical system and the light sources (34), the zoom apparatus (24,26,42) including two threadediy interconnected sleeves (10,18) the first sleeve having the light sources (34) arranged thereon and the second sleeve having the optical system arranged thereon (col. 1, lines 20-39).

Regarding claim 19, the LED module (34) is rigidly mounted on the first sleeve (10) and the optical system is rigidly mounted on the second sleeve (col. 1, lines 20-39).

Johnson ('163) does not disclose a plurality of lenses.

However, P.M. Larraburu ('016) discloses an optical collimating system having a plurality of lenses (12,13,14,15,16).

Regarding claim 3, plurality of lenses (12,13,14,15,16) comprises a plurality of Fresnel lens arranged in a second pattern that corresponds with the first pattern.

Regarding claim 4 each of a plurality of lenses (12,13,14,15,16) is axially aligned with an LED and optically communicates with the LED.

It would have been obvious to one of ordinary skill in the art at the time invention was made to utilize the focusing light source with flexible mount for multiple light emitting elements of Johnson II ('163) with the plurality of lenses

taught by Larraburu ('016), since the lenses of Larraburu ('016) would provide the better focusing or zooming effect, and also as the lenses provide the desired uniform cross-section collimated beam so as to transfer the uniformity of illumination existing at the field of operation.

***Allowable Subject Matter***

4. Claim 9 is allowed.
5. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record neither teach nor disclose including a protrusion on one of the first and the second sleeves, the protrusion being aligned parallel to the optical a groove on one of the first and the second sleeves that receives the protrusion to prevent relative rotation of the first and the second.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 571-272-2387. The examiner can normally be reached on 9:30 AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bertrand Zeade  
Examiner  
Art Unit 2875

  
Stephen Husar  
Primary Examiner